

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL HAMILTON,

Petitioner

v.

R. M. REISH,
Warden FCI-SCHUYLKILL,

Respondent

CIVIL ACTION NO. 1:CV-01-0039

FILED
HARRISBURG, PA

FEB 09 2001

MARY E. D'ANDREA, CLERK
Per MED
Deputy Clerk

ORDER

On January 10, 2001, Petitioner, an inmate confined in the Schuylkill Federal Correctional Institution, Pennsylvania, filed pro se, a petition for writ of "habeas corpus ad subjiciendum [sic]," pursuant to 28 U.S.C. § 2241, as well as the appropriate five dollar filing fee. On January 23, 2001, this court denied Petitioner's § 2241 petition because it sought to attack the validity of his underlying federal criminal sentence, which must be brought pursuant to 28 U.S.C. § 2255. On February 8, 2001, Petitioner filed with this court a motion to proceed in forma pauperis on appeal of the decision on his habeas petition. Although Petitioner has not filed a court of appeals in forma pauperis affidavit or a prisoner account statement, he did file a declaration in support of his request to proceed in forma pauperis in which he states that he has no money.

Based upon the foregoing, **IT IS HEREBY ORDERED THAT**, Petitioner's motion to proceed in forma pauperis on appeal is **GRANTED**.

Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: February 8, 2001.